serious symptoms as a result of the hyperthyroidic condition previously precipitated. It is unnecessary to discuss these findings, since the judgment must be sustained for violation of Section 502 (j). For the same reason, we find it unnecessary to consider other contentions regarding Sections 502 (a) and 201 (n).

"Claimant makes much of the proposition that the legislative history of the Federal Food, Drug & Cosmetic Act discloses that Congress had no intent to deprive individuals of the right of self-medication. This we think beyond the point, for the decision of the lower court deprives no one of this right. It merely determines that Marmola tablets are dangerous to the public health when used in the dosage and with the frequency prescribed by claimant. What would be a non-deleterious prescription was not agreed upon by the experts and was not within the province of the court to decide.

"The judgment is affirmed."

The claimant subsequently filed a petition for a writ of certiorari with the Supreme Court of the United States, and on October 9, 1944, that petition was denied.

1252. Misbranding of Marmola Tablets. U. S. v. 23 Dozen Packages (276 packages) of Marmola Tablets (and 10 other seizure actions against Marmola Tablets). Decrees of condemnation and destruction. (F. D. C. Nos. 9885, 9886, 12731, 12732, 12744, 12755, 12756, 12812, 12820, 12830, 12831. Sample Nos. 8016–F, 8017–F, 8747–F, 48582–F, 48584–F, 59378–F, 59379–F, 68211–F, 75374–F, 77654–F, 77655–F, 78227–F, 81812–F.)

Between May 3, 1943, and July 13, 1944, the United States attorneys for the District of Minnesota, the Western District of Kentucky, the Southern District of Indiana, the Eastern and Western Districts of Pennsylvania, the District of Connecticut, and the Northern District of Illinois filed libels against the following quantities of Marmola Tablets: 276 packages at St. Paul, Minn.; 34 packages at Minneapolis, Minn.; 105 packages at Louisville, Ky.; 384 packages at Indianapolis, Ind.; 428 packages at Philadelphia, Pa.; 105 packages at Pittsburgh, Pa.; 43 packages at New Haven, Conn.; and 282 packages at Chicago, Ill. On July 5, 1944, an amended libel was filed against the lot at Louisville, to cover the seizure of a total of 144 packages at that place. It was alleged in the libels that the article in the Minneapolis lot had been shipped on or about April 14 and 22, 1943, by the Walgreen Co., from Chicago, Ill.; and that the article in the other lots had been shipped between the approximate dates of February 15, 1943, and June 16, 1944, by the Raladam Co., from Detroit, Mich.

Examination of samples showed that the article contained plant material, including an extract from a laxative plant drug, and thyroid in amounts varying from 0.67 to 0.75 grain per tablet.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage or with the frequency or duration prescribed, recommended, or suggested in its labeling.

Between November 3 and December 18, 1944, pursuant to agreement between the Raladam Co., claimant, and the attorneys for the Government, based on the appellate court's decision in the case of the *United States* v. *62 packages of Marmola Prescription Tablets*, as reported in notices of judgment on drugs and devices, No. 1251, judgments were entered condemning the product and ordering its destruction.

1253. Misbranding of UtraJel. U. S. v. Pynosol Laboratories, Inc., Edwin G. Melich, and James J. Melich. Pleas of guilty. Corporation fined $1,000; individual defendants each fined $1. (F. D. C. No. 7289. Sample Nos. 14773–E, 54628–E, 54631–E, 79056–E, 84825–E, 92548–E, 92549–E.)

On May 6, 1943, the United States attorney for the Northern District of Illinois filed an information against Pynosol Laboratories, Inc., Chicago, Ill., and Edwin G. Melich, and James J. Melich, president and secretary-treasurer, respectively, of the corporation, alleging shipment of a quantity of UtraJel between the approximate dates of October 17, 1941, and April 18, 1942, from the State of Illinois into the States of Pennsylvania, Kentucky, New York, and California.

Analysis showed that the article consisted essentially of a soap, pine oil, combined iodine, and water, with the exception of one portion which consisted essentially of soap, pine oil, and water.

The article was alleged to be misbranded because of false and misleading statements on the tube and carton and in the circular entitled "Directions For Use," which accompanied all lots, regarding its efficacy in the treatment of minor infections of the cervix and cervical canal, cervical erosions, and cystic conditions of the cervix; and in the circular entitled "UtraJel Indicated as an aid,"

which accompanied a portion of the product, regarding its efficacy in stimulating infected areas and in eliminating the danger of infections. The article was alleged to be further misbranded in that the following statements on the tube and carton, "UtraJel * * * as a uterine evacuant * * *," and in the circular entitled "Directions For Use," "UtraJel * * * As A Uterine Evacuant * * * UtraJel has been used successfully for induction of labor in full term deliveries, and for the expulsion of either entire or parts of placenta," and in the circular entitled "UtraJel Indicated as an aid," "UtraJel * * * as a uterine evacuant * * * As a Uterine Evacuant UtraJel may be used as an aid in legal therapeutically indicated cases, premature and full term. * * * UtraJel in many cases, eliminates the necessity of surgery," were false and misleading since the article would not be safe and appropriate for introduction into the uterine cavity but was unsafe and capable of producing serious and even fatal consequences.

The article was alleged to be misbranded further in that it was dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling.

The defendants having filed a motion to quash on July 15, 1943, and that motion having been denied on November 1, 1943, pleas of guilty were entered and the court, on April 20, 1944, imposed fines of $1,000 against the corporation and $1 against each of the individual defendants.

1254. Misbranding of procaine hydrochloride. U. S. v. 1 Package, 8 Packages, and 19 Packages of Procaine Hydrochloride. Default decrees of condemnation and destruction. (F. D. C. Nos. 11679, 11682. Sample Nos. 56892–F, 56893–F, 65986–F.)

On or about January 21 and 27, 1944, the United States attorneys for the District of New Jersey and the District of Connecticut filed libels against the following quantities of the above-named product: 1 package containing 10 ampuls at Elizabeth, N. J., and 8 packages containing 100 ampuls each, and 19 packages containing 10 ampuls each at Middletown, Conn.; alleging that the article had been shipped between the approximate dates of October 14 and December 13, 1943, by the Loeser Laboratory, Inc., from New York, N. Y.; and charging that it was misbranded. The article was labeled in part: "No. 401 [or "405"] * * * Procaine Hydrochloride * * * Loeser Laboratory, Inc. New York, N. Y. Subsidiary of the Wm. M. Merrell Company."

The article was alleged to be misbranded in that the statements in its labeling, "Procaine Hydrochloride, U. S. P. 200 mg. [or "50 mg."]," were false and misleading since the amount of procaine hydrochloride in each ampul was not only greatly in excess of that declared on the label, but there was an excessive variation between the quantity present in the individual ampuls. The article was alleged to be misbranded further in that it was dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling, i. e., "for spinal anesthesia by admixture with spinal fluid * * * To be used only by or on the prescription of a physician."

On March 6 and 25, 1944, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

1255. Adulteration and misbranding of procaine hydrochloride solution, with epinephrine. U. S. v. 38 Packages of Procaine Hydrochloride Solution (and 3 other seizure actions against procaine hydrochloride solution). Default decrees of condemnation and destruction. (F. D. C. Nos. 12348, 12407, 12509, 12774. Sample Nos. 35967–F, 35968–F, 50975–F, 63447–F, 75324–F, 75349–F.)

Between the approximate dates of May 10 and June 28, 1944, the United States attorneys for the Northern District of Georgia, the Eastern District of Pennsylvania, and the Northern District of Ohio filed libels against the following amounts of procaine hydrochloride solution: 52 packages, each containing 25 cartridges, at Atlanta, Ga.; 38 packages, each containing 25 cartridges, at Philadelphia, Pa.; and 200 cartridges at Youngstown, Ohio; alleging that the article had been shipped between the approximate dates of March 8 and May 15, 1944, by A. Pfingst and Pfingst & Co., New York, N. Y.; and charging that it was adulterated and misbranded. The article was labeled in part: "Procaine Hydrochloride [or "HCl"] Solution 2% with Epinephrine."

The article was alleged to be adulterated in that its purity and quality fell below that which it purported to possess since the article was not sterile, but was contaminated with living micro-organisms.

The article was alleged to be misbranded in that it was dangerous to health when used in the dosage suggested in the labeling thereof, that is, when the